

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CRIMINAL ACTION NO. 06-10212-RGS

UNITED STATES OF AMERICA

v.

FREDDY TORRES, JR.

ORDER ON PETITIONER'S MOTION
FOR SENTENCE MODIFICATION

November 23, 2011

STEARNS, D.J.

Petitioner Freddy Torres, Jr., proceeding *pro se*, brings this petition to modify his sentence pursuant to 18 U.S.C. § 3582(c)(2). The petition is *DENIED*. As the Government points out, in exchange for considerable sentencing benefits, Torres waived any right to appeal his conviction or sentence or to bring a collateral challenge under either 28 U.S.C. § 2255 or 18 U.S.C. § 3582(c)(2). Having reaped the benefit of his bargain, Torres will be kept to his word.¹

The petition is *DISMISSED* with prejudice. Petitioner is advised that any request for the issuance of a Certificate of Appealability pursuant to 28 U.S.C. § 2253 of the court's Order issued November 22, 2011, is *DENIED*, the court seeing no meritorious or substantial basis supporting an appeal.

¹ In any event, Torres is ineligible for consideration under the "crack" cocaine amendments to the Sentencing Guidelines. *See Dillon v. United States*, 130 S.Ct. 2683 (2010).

The Clerk may now close the case.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE